

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States of America,

Plaintiff,

vs.

\$45,129.00 IN U.S. CURRENCY,

Defendant In Rem

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CIVIL ACTION 4:11-cv-02660

**ORIGINAL ANSWER AND JURY DEMAND OF JAMES PAUL VAN WAY, JR. AND
AMBARWATI OKTARI**

Claimants JAMES PAUL VAN WAY, JR. and AMBARWATI OKTARI, by and through counsel of record, and make and file this Original Answer to Plaintiff United States of America's Verified Complaint for Forfeiture In Rem, and would respectfully show unto the Court as follows:

1. Claimants **admit** that this is a civil forfeiture action in rem and that Plaintiff is referencing certain statutory provisions in paragraph 1.
2. Claimants **admit** that the sum of \$45,129.00 in United States currency was seized from them as alleged in paragraph 2.
3. Claimants **admit** that this court has jurisdiction as alleged in paragraph 3 but **deny** that there were any acts or omissions justifying the forfeiture being sought.
4. Claimants **admit** that this court has venue as alleged in paragraph 4 but **deny** that there were any acts or omissions justifying the forfeiture being sought.
5. Claimants **deny** that there were any acts or omissions justifying the forfeiture being sought as alleged in paragraph 5, sub-paragraphs (1), (2); and (3) thereof.
6. Claimants **admit** that they were passengers on an outbound flight 212 to Dubai, United Arab Emirates on or about May 27, 2011. Claimants **deny** the other allegations contained in paragraph 6.
7. Claimants **admit** that the sum of \$13,499.00 was taken from the possession of JAMES PAUL VAN WAY, JR. and the sum of \$31,630.00 was taken from AMBARWATI OKTARI by the United States Customs and Border Protection

Officer, for a total of \$45,129.00 as alleged in paragraph 6, but **deny** that there was a basis justifying the forfeiture being sought by this action.

8. Claimants ask this Court to enter judgment that Plaintiff take nothing by way of this action, dismiss Plaintiff's suit with prejudice, assess all costs against the Plaintiff, return Claimants \$45,129.00 to JAMES PAUL VAN WAY, JR. and award Claimants all other relief that the Court deems appropriate and equitable.

Demand for Jury Trial

9. To the extent allowed by applicable law, Claimants make and file this DEMAND FOR JURY TRIAL in accordance with the Federal Rules of Civil Procedure.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served upon the following attorneys and/or parties of record in accordance with the Federal Rules of Civil Procedure on this 6TH day of SEPTEMBER, 2011.

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